

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-005650-002 DT

06/01/2012

COMMISSIONER LISA ANN VANDENBERG

CLERK OF THE COURT

K. Johnson

Deputy

STATE OF ARIZONA

JEFFERSON SIMMONS

v.

LUCIO LEON-MONTALVO (002)

DOB: December 13, 1978

XOCHITL SARA OROZCO

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

SUSPENSION OF SENTENCE - UNSUPERVISED PROBATION

9:10 a.m.

Courtroom CCB 1003

State's Attorney: Jessica Gattuso for Jefferson Simmons

Defendant's Attorney: Rosemarie Pena Lynch for Xochitl Orozco

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended) Solicitation to Commit Smuggling
Class 6 Felony

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A.R.S. § 13-2319, 13-1002, 12-114.01, 13-610, 13-701, 13-702 and 13-801

Date of Offense: April 5, 2012

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and placing defendant on Unsupervised Probation to be monitored by the Adult Probation Department (APD) in accordance with APD's Compliance Monitoring Standards:

Count 1 Probation Term: 1 year

To begin June 1, 2012.

Conditions of probation include the following:

Condition 2 - Not possess or control any stun guns, tasers, firearms, ammunition, deadly, or prohibited weapons as defined by A.R.S. § 13-3101.

Condition 5 - If deported or processed through voluntary departure, will not return to the United States illegally during the term of probation. If deported, all conditions, except Condition 5, are suspended.

Condition 6 - Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of any conditions completed. Comply with any written directive of the APD to enforce compliance with the conditions of probation.

Condition 7 - Notify APD within 10 days of any change of address and/or telephone number.

Condition 8 - Request and obtain permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning August 1, 2012.

PROBATION SURCHARGE: Count 1 - \$20.00 payable on August 1, 2012.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 1 - \$13.00 payable on August 1, 2012.

Investigative Agency :

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Maricopa County Sheriff's Office

All amounts payable through the Clerk of the Superior Court.

Condition 18 - Count 1: Be incarcerated in the county jail for 57 day(s), beginning June 1, 2012 with credit for 57 day(s) served.

Not to be released until June 1, 2012.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS FURTHER ORDERED Defendant be released from custody for this case only.

Defendant has waived the preparation of a presentence report.

9:13 a.m. Matter concludes.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER LISA ANN VANDENBERG
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)